

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ROMAN McKINLEY MOORE,**

**Plaintiff,**

**v.**

**HARRISBURG COMMUNITY  
UNIT SCHOOL DISTRICT NO. 3  
and KAREN CRANK,**

**Defendants.**

**Case No. 13-cv-160-DRH-PMF**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is defendants' motion to dismiss or strike Counts I and II of plaintiff's amended complaint for failure to state a claim upon which relief can be granted (Doc. 18). Defendants filed their motion on May 1, 2013. Plaintiff's response was due on or before June 3, 2013. As said response date has come and gone, pursuant to LOCAL RULE 7.1(c), the Court deems plaintiff's failure to respond as an admission of the merits of defendants' motion. See SDIL-LR 7.1(c). Accordingly, defendants' motion is **GRANTED** (Doc. 18). Thus, plaintiff's amended complaint (Doc. 15) is **DISMISSED without prejudice** for failure to respond to defendants' motion and prosecute this action.

**IT IS SO ORDERED.**

Signed this 6<sup>th</sup> day of June, 2013.

Digitally signed by  
David R. Herndon  
Date: 2013.06.06  
15:45:17 -05'00'

**Chief Judge  
United States District Court**